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Recent Developments in Everglades Restoration

Overview

What Is the Everglades? The Everglades is a unique network of subtropical wetlands in South Florida. Due in part to federal water supply and flood control projects (as well as agricultural and urban runoff), the ecosystem was degraded and was approximately half its historical size by the end of the 20th century. The ecosystem is home to a number of unique species, including 67 species listed under the Endangered Species Act (16 U.S.C. §§1531 et. seq.).

What Is CERP? The Comprehensive Everglades Restoration Plan (CERP) was approved by Congress in the Water Resources Development Act of 2000 (WRDA 2000; P.L. 106-541). It is a framework under which the federal government, with the State of Florida, is attempting to restore the Everglades and improve the timing, distribution, and quality of the water flowing south from Lake Okeechobee to the Everglades. Under CERP, the federal government, through the U.S. Army Corps of Engineers (USACE) and the Department of the Interior (DOI), is required to fund half the costs of restoration, with the State of Florida contributing the other half. Several tribal and local agencies also are involved in restoration. Originally, CERP was to include 60 projects that would be completed over 30 years at a cost of $8.2 billion (in 2000 dollars). A 2015 report to Congress increased this estimate; the report projected that CERP will take approximately 50 years to implement at a total cost of $16.4 billion (in FY2015 dollars). As of FY2020, the federal government has spent more than $1.7 billion and the State of Florida has spent an estimated $4.5 billion on CERP in nominal dollars (although much of this state funding is not yet officially credited for Florida's share of the cost).

Everglades restoration under CERP was authorized in 2000 and is expected to take 50 years to complete.

Outside of CERP, complementary efforts to restore the Everglades (most of which predate CERP) are ongoing. The federal government has spent more than $3.5 billion on these efforts, collectively referred to as *non-CERP projects*.

Everglades Restoration Projects Must Be Authorized by Congress

WRDA 2000 approved CERP and the process for its implementation. The law also authorized several pilot projects. Subsequent projects require study by USACE and congressional authorization before they can receive federal appropriations, including credit or reimbursement for nonfederal work undertaken in advance. Several laws subsequent to WRDA 2000 authorized projects contemplated under CERP. Some projects received appropriations and are under construction. Studies for other CERP projects are in progress (see **Table 1**). Projects with completed studies and signed reports from the Chief of Engineers (e.g., Loxahatchee River Watershed Project) are awaiting potential authorization in legislation in the 116th Congress (see S. 3591 and H.R. 7575).

Table 1. Status of Recent CERP USACE Projects

Project Name	Construction Authorization	Status
Site 1 Impoundment	WRDA 2007	Phase I completed Phase II on hold
Picayune Strand	WRDA 2007	Under construction
Indian River Lagoon-South	WRDA 2007	Under construction
C-43 West Storage Basin	WRRDA 2014	Under construction
C-111 Spreader Canal	WRRDA 2014	Complete
Broward County Water Preserve Areas	WRRDA 2014	Under construction
Biscayne Bay Coastal Wetlands	WRRDA 2014	Under construction
Central Everglades Planning Project (CEPP)	WRDA 2016	Under construction
Everglades Agricultural Area Reservoir Storage	WRDA 2018	Awaiting construction
Loxahatchee River Watershed Project	Awaiting authorization	Study completed
Lake Okeechobee Watershed Project	n/a	Study in progress
Western Everglades Restoration Project	n/a	Study in progress

Source: Congressional Research Service based on U.S. Army Corps of Engineers (USACE) information and enacted legislation.

Note: n/a = not applicable. WRDA = Water Resources and Development Act; WRDA 2007, WRDA 2016, and WRDA 2018 are P.L. 110-114, P.L. 114-322, and P.L. 115-270, respectively. WRRDA 2014 = Water Resources Reform and Development Act of 2014 (P.L. 113-121).

Recent Authorizations

Central Everglades Planning Project. The Central Everglades Planning Project (CEPP) is a CERP restoration project that Congress authorized in the Water Resources Development Act of 2016 (P.L. 114-322). CEPP prioritizes

restoration projects (e.g., CEPP South, CEPP North, and CEPP New Water) in the central portion of the Everglades and aims to address issues associated with the quantity, quality, timing, and distribution of freshwater flows south of Lake Okeechobee into the central Everglades and Everglades National Park. Congress authorized $2.0 billion in funding for the project, with a federal share of approximately $1.0 billion. CEPP was designated as a *new start* for FY2020 and received appropriations to begin construction on the CEPP South sub-project. An authorized project needs a new start construction designation to receive appropriations for construction. Once designated, the project can receive appropriations annually. A new start designation is given to selected project authorizations out of a limited number of new starts specified by Congress in annual appropriations bills.

Everglades Agricultural Area Reservoir Storage Project. The Water Resources Development Act of 2018 (WRDA 2018; Title I of P.L. 115-270) authorized the Everglades Agricultural Area Reservoir Storage Project (EAA Storage), which nonfederal sponsors proposed as an addendum to CEPP. EAA Storage aims to provide approximately 350,000 acre-feet of storage for water flows coming from Lake Okeechobee and a stormwater treatment area (i.e., a wetland area that removes excess nutrients from runoff to improve water quality). USACE interpreted the EAA Storage authorization in WRDA 2018 to require a new start designation for appropriations. The agency asserted that EAA Storage was not authorized as part of CEPP and therefore must be designated as a separate new start for construction appropriations. This has led some stakeholders to express concern that competition between other ecosystem restoration authorizations for a new start designation could delay construction of EAA Storage.

Congressional Interest

Congress has focused on authorization and appropriations for constructing projects and on oversight of Everglades restoration and related projects affecting water flows.

Water Resources Development Act. Congress is considering WRDA bills (H.R. 7575 and S. 3591) in the 116th Congress. These bills would authorize the Loxahatchee River Watershed Project under CERP for $740.0 million (50-50 cost share between the federal and nonfederal sponsor). H.R. 7575 would combine CEPP and EAA Storage into one project to avoid the need for a new start designation for EAA Storage. S. 3591 would prohibit CERP projects from being de-authorized before 2030 and would authorize USACE to enter into agreements for nonfederal sponsors to pursue CERP project construction on their own and receive USACE technical assistance.

Appropriations. According to the 2018 Seventh Biennial Review of Everglades Restoration, funding is a key constraint on the rate of restoration progress. The federal appropriations process dictates the timing and level of funding, which affect project implementation and completion.

In FY2019 and FY2020, Congress provided appropriations for restoration activities to USACE exceeding the President's budget requests and previous USACE work plans (see **Table 2**). The Administration's FY2021 request for USACE CERP and non-CERP projects is greater than FY2020 enacted levels. The Administration's request for DOI is lower than FY2020 enacted levels. Congress provides appropriations to DOI agencies for restoration activities under Interior and Related Agencies appropriations laws.

Table 2. Federal Funding of Everglades Restoration

Agency	Project	FY2019	FY2020	2021 Request
USACE	CERP	$97.2	$238.8	$249.7
USACE	Non-CERP	$13.7	$10.1	$10.4
DOI	CERP	$7.8	$8.1	$7.8
DOI	Non-CERP	$55.9	$55.9	$45.8

Source: South Florida Ecosystem Restoration Task Force, 2020.

Notes: Funding is in millions of dollars. CERP = Comprehensive Everglades Restoration Plan; DOI = Department of the Interior; USACE = U.S. Army Corps of Engineers.

Lake Okeechobee/Herbert Hoover Dike. Repairs to Herbert Hoover Dike (HH Dike) are not categorized as Everglades restoration but are considered by many observers to be essential to broader restoration efforts in the Greater Everglades ecosystem. Since 2007, USACE has conducted repairs on HH Dike to address structural issues associated with the dike and has regulated water storage and discharges from Lake Okeechobee. Repairs altered discharge regulations and increased discharges from the lake during high-water events. This contributed to an excess flow of nutrient-rich water through canals to the St. Lucie and Caloosahatchee estuaries, which exacerbated harmful algal blooms and increased sediment in the estuaries and surrounding coastlines.

According to USACE, repairs of HH Dike eventually are to increase Lake Okeechobee's capacity to store water and regulate discharges and could reduce negative environmental effects. However, until these repairs are complete, discharges may negatively affect the health of coastal ecosystems. Some stakeholders have proposed to accelerate repairs by increasing funding for the project. In addition to annual appropriations, this project received $514 million in FY2018 supplemental funding.

As of 2020, USACE anticipates dike repairs to be completed by 2022, resulting in new discharge regulations to be issued under the Lake Okeechobee System Operating Manual. Section 1106 of WRDA 2018 directed USACE to expedite the update of the Lake Okeechobee regulation schedule so it would coincide with completion of the repairs. The schedule is to consider relevant aspects of CERP, including projects not yet constructed (e.g., EAA Storage) in its operating procedures. H.R. 7575 would provide further direction to USACE on efforts to manage water within Lake Okeechobee.

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